App. F. IX-4

Preserve

1937-38
(CB.)

File No. 67-37

Serial Nos. 9, 10

Previous References

C.B. 67-37-178 Cerro.
C B. 67 37-185 (20 of 37-38)

Later References.

CB. 165-40-1 (27 of 40-41)
CB 165-40-647
CB 162-42-42, 2 to 6.
CB 45-47-1-A. (CC 60 of 47-48)

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 9 & 10.

Part B for January 1941.

SUBJECT.

Memorial from Mr. R. Pattanayak Subordinate Judge, requesting that he may be restored to his original rank in the Cadre of Subordinate Judges.

WD 0578—GPB—22,500—12-9-39

AK Pl/ends
29/1

Serial No.

Letter No. R.O.C. 618/ [illegible] dated 25th December 1941 from the Registrar High Court of Mysore, forwarding a Memorial from Mr. K. Puttaraj Urs, Subordinate Judge, requesting that he may be restored to his original rank in the Cadre of Subordinate Judges.

X In May 1940 Mr. R. Puttaraj Urs, Subordinate Judge, submitted a memorial requesting that he may be reinstated to his original rank in the cadre of Subordinate Judges. The High Court was in that connection informed that, as the punishment was awarded on the recommendation of the High Court a reconsideration of the case can only arise if such a Course is recommended by the High Court & that a suitable reply may be given to Mr. Puttaraj Urs. (Vide Paras 3 to 5 of the notes in C.S. file No. 67 of 37 (7 to 8) & Letter No. S 281/CS. 67-37-8 dated 28th May 1940)

2) As regards the present memorial it is stated that the Judges of the High Court see no sufficient reason to recommend the reconsideration of the Govt. Order in the matter. No further action seems, therefore, called for.

Submitted for orders into the previous references.

JSwR 15/1/41 (cd.)

3) Nothing can be done in view of the opinion of the Judges of the High Court. The

NOTE—Contn. Sheet.

Confidential reports on the work and character of this officer indicate that subsequent to the punishment inflicted, he has improved considerably. Vide Confdl. reports for 1939 & 1940. It was thus open to the Highest to have recommended some consideration to the request of Mr. Pattanayak's.

1st member) MS 20/1

F & B.

JAN 20 1941

7218

4) It is true that he is now reported to be working hard and that he has improved in his behaviour. This is, however, no reason for reconsidering the orders passed more than 3 years ago in respect of incidents which were fully inquired into at the time

Draft 21/1/41 MS 21.1.41

Submitted

5) Draft of a letter put up

6) Appd.

Secy 21/1/41

MS 21/1/41

(Issued)

B

2271 CS 3882 /40

R. O. C. No. 618 40-41
~~D. Dis.~~

Enc: 1 wrg

HIGH COURT OF MYSORE,
Public Office Buildings, Cubbon Park,

Bangalore, 24th December 1940.
25

CS. 67-31-9

SECY. LAW DEPT. CS. 1940 DEPUTY OF MYSORE

FROM

T. Shamiengar, Esq., B.A., B.L.,
~~A. Sundararaja Rao, Esq., B.A., B.L.,~~
~~S. Venkata Ranga Iyengar, Esq., B.A., LL.M.,~~
Registrar, High Court of Mysore.

To MAW 22/1/41

H.V. Narayana Rao, Esq., B.A., LL.B.,
Secretary to the Government of Mysore,
Law Department, BANGALORE.

22/1/41

SIR,

CS 1-5 Conf 113
CS 288 13

Recd on 14/1/41

I am directed to forward a Memorial addressed to the Government by Mr. R. Puttaraj Urs, First Magistrate and Additional Subordinate Judge, Tumkur and to state that the Judges of the High Court see no sufficient reason to recommend that the order of the Government in the matter should be reconsidered.

I have the honour to be,

Sir,

Your most obedient servant,

T. Shamiengar
REGISTRAR.

GRA/-

Dated 2nd December 1940.

G.C. 102/40-41

To

5 DEC 1940

THE CHIEF SECRETARY
to

Government of His Highness
The Maharaja of Mysore,
Bangalore

THROUGH

The High Court of Mysore,
Bangalore.

MEMORIAL OF R.PUTTARAJ URS, First Magistrate & Additional Subordinate Judge, Tumkur.

The memorialist is in receipt of a copy of the letter of Government No.5281/C.B-67-37-8 dated 28-5-40 to the High Court and the High Court D.O.D.1.Dis.291/39-40 in regard to his memorial to Government dated 13-3-40 and the memorialist most respectfully begs to submit that there are still some grounds for a re-consideration of the order reducing him by 3 places.

Flag 1

Flag 2

The memorialist feels that the High Court have not been kind enough to consider his case from a comparative point of view and he most respectfully prays that this memorial may be regarded as a supplement to the previous one.

The memorialist still most respectfully submits that the allegations of the District Magistrate regarding his conduct and behaviour at the time of the Inspection are not true. The memorialist's submission would have been

been proved if only an enquiry had been held as was held in the case of other Officers, e.g., Mr. B.M. Krishnan. If the Government feel any difficulty in holding an enquiry now the memorialist most respectfully prays that they may be pleased to peruse the statements of the officials who were present on the occasion, copies of which are appended to this memorial. Those officials were the subordinates of the District Magistrate himself at that time. The High Court had been kind enough to disbelieve most of the other allegations that the District Magistrate had made against him and they were not kind enough to disbelieve the other portions of the allegations.

When as regards the tone of the letters of the memorialist which is held to appear to be - arrogant and improper, the memorialist most respectfully urges again the grounds that he has urged in his previous memorial. The memorialist however most respectfully would press on the kind attention of Government the circumstances under and the - atmosphere in which these letters were written. He never for a moment believed that the letters were arrogant and improper in tone. He could not possibly have done so for he had been previously wanrned in the matter. The defects noticed by the High Court were never deliberate or wanton. The defective-diction the memorialist most respectfully submits may not be made a ground to punish him so severely as he has been done.

Coming to the next charge against him Viz., that he left the Head Quarters on 23rd July at 3-30

3-30 P.M. alone and that the same was against the Standing Order on the subject, the memorialist most respectfully submits that as far as the memorialist is aware there is no such Standing Order on the subject. In the absence of such specific Standing Order, the only Rules that govern his action are those in the Mysore Service Regulations. Under the latter, the memorialist most respectfully submits, his action was not illegal at all.

The memorialist however admits unreservedly that his going away at 3-30 P.M. might have caused some inconvenience to Government work but as no such inconvenience was caused, the memorialist most respectfully prays that his dereliction in this respect may be viewed with indulgence. - Though the memorialist left the Head Quarters at 3-30 P.M. he was within his jurisdiction till 5-30 P.M. The District Magistrate who wanted him at 3-30 P.M. for some urgent work which he was not kind enough to disclose, could have sent him a wire to Holenarasipur where he was at 5 P.M. and he would gladly have come back and attended to the work. Throughout the memorialist was on the Railway line and in two minutes the District Magistrate could have placed himself in communication with the memorialist.

The memorialist has only one thing more to urge on the kind attention of Government i.e., the severity of the punishment. As pointed out above the memorialist can be held to be guilty of

of only one thing and i.e., the tone of his letter which according to the kind view of the High Court appears to be arrogant and improper. This the memorialist has submitted was not wanton or deliberate and that it was an inherent defect in his style. The memorialist most respectfully points out that this common defect may not deserve the uncommonly severe notice that has been taken of it.

The humble memorialist most respectfully prays that the Government may kindly be pleased to excuse his dereliction and restore his rank.

Statement of the Head Clerk.

The Magistrate came to the office at 7-30 A.M. and looked about the office and took his seat in the chambers. The District Magistrate came at about 8-30 A.M. He entered by the back door of the chambers. The Daffedar and one orderly was posted outside. As soon as the Magistrate was told that the District Magistrate came he got up from his seat and advanced towards the door. By that time the District Magistrate entered the chambers and the Magistrate wished him ' good morning ' and the District Magistrate returned it by saying ' good morning. ' That day the weather was cloudy and it was drizzling at intervals. After the District Magistrate took his seat the Magistrate also sat.

The District Magistrate was going through the Inspection Notes. After some time the District Magistrate pointed that tax had not been collected in addition to fine in a motor Regulation case. Then I explained to the District Magistrate that the fine imposed in the case included the tax also, and then the Inspection clerk said that tax and fine had to be collected separately and they had to be credited to different heads. Then the Magistrate remarked that it did not seem to be mandatory and asked the Inspection clerk where it had been laid down. Then the Inspection clerk said that in the Regulation

P.T.O.

Regulation it was laid down that the tax also shall be collected. Then the bench clerk of the Magistrate's Court brought the book and gave it to the Inspection clerk. The Inspection clerk gave it to the District Magistrate. The District Magistrate after seeing it gave it to the Magistrate and the Magistrate took it and went through the section and kept it on the table. Then the Bench clerk Basavarajan took it up. This was the only irregularity in the cases that was pointed out. The other irregularities that were pointed were with regard to registers and issuing reminders to the police. The Magistrate did not speak anything more than what is stated above while they were in the chambers.

Then after the close of the Inspection of Registers, etc., the District Magistrate got up, went into the Court hall, the clerks' rooms and to the Verandah in front. The Magistrate followed him. The Magistrate explained to the District Magistrate that the accommodation was not sufficient. The Magistrate also said that the location of the coffee hotel infront of the Court was a source of disturbance. The District Magistrate agreed and said that he did not know about it. Both of them were talking about the civil clerks room, the bar association, the D.S.P's room, etc. Then the District Magistrate returned to the chambers through the Court hall and the Magistrate followed him. The District Magistrate left the chambers by the back door from which he had entered. The Magistrate followed him out of the chambers till the drain. I heard the Magistrate saying 'good morning.' The District Magistrate went away towards the hospital.

Sd/- S.N. Subba Rao.

Questions and Answers.

Q. Did I fling the book on to the table after I went through it ?

A. You did not fling the book but simply placed it on the table and it was taken up by the Bench clerk.

Q. Did I not accompany him out of the chambers after he left it ?

A. You did accompany him out of the chambers a few yards.

Q. Did I fling the book in a most rude and insolent manner ?

A. No you did not fling the book at all.

Q. Did the District Magistrate confront me with any other irregularity than the one under the motor regulation.

A. No he did not point any other irregularity in any other case and there was no discussion regarding any other irregularity.

Q. Had I seen the Inspection report before ?

A. No you had not seen and you had no occasion to see it.

Q. Can you vouch for the above on oath ?

A. Yes, I can vouch for the above on oath.

Sd/- S.N. Subba Rao,
10-7-37.

- - -

Statement of the 2nd clerk.

I have gone through the above. I was present on the day of inspection throughout

throughout from beginning to end. I can vouch on oath for correctness of the above statement of the Head clerk.

Sd/- H. Basav Rajan.
10-7-37.

I have gone through the above statement of the Head clerk and I took up my stand at the inner door of the chambers after the District Magistrate had taken his seat and was going through the inspection reports. I did not see the District Magistrate entering the chambers and the Magistrate wishing him. I saw all the other happenings after that. I can vouch on oath for the correctness of the statement of the Head clerk in other respects.

Sd/- Gundappa,
10-7-37.

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No. 2931/CB

Dt 23.1.41.

To,

The Registrar,

High Court of Mysore.

Sir,

With reference to your letter no. R.O.C. 618 of 1940-41 dated 28th December 1940, regarding the memorial of Mr R. Pullaraj Urs, First Magistrate and Additional Subordinate Judge, Tumkur, I am directed to state that Govt agree with the judges and ~~report that~~ they see no reason for reconsidering the orders passed more than three years ago in respect of incidents which were fully enquired into at the time.

Govt accept the views of the Judges of the High Court in the matter.

I have etc.

M
23/1

for Secy to Govt

22nd January 1941.

23rd

No. 293/1(36)-37-40

T. Shamaiengar, Esqr., B.A., B.L.,
Registrar, High Court of Mysore.

With reference to your letter No. R.O.C.618 of 40-41 dated 25th December 1940, regarding the memorial of Mr.R.Puttaraj Urs, First Magistrate and Additional Subordinate Judge, Tumkur, I am directed to state that Government accept the view of the Judges of the High Court in the matter.

I have the honour to be,
Sir,
Your most obedient servant,

23/1

Chief Secretary to Government.